

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENGAGE LEARNING, INC., BEDFORD,
FREEMAN & WORTH PUBLISHING GROUP, LLC
d/b/a MACMILLAN LEARNING, MCGRAW HILL
LLC, and PEARSON EDUCATION, INC.,

Plaintiffs,

v.

DOES 1 – 50 d/b/a Library Genesis, bookwarrior,
cdn1.booksdl.org, jlibgen.tk, libgen.ee, libgen.fun,
libgen.gs, libgen.is, libgen.lc, libgen.li, libgen.pm,
libgen.rocks, libgen.rs, libgen.space, libgen.st,
libgen.su, library.lol, and llhlf.com,

Defendants.

Civil Action No. 23-cv-08136-CM

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 10/10/2023

MEMO ENDORSED

PLAINTIFFS' MOTION TO SERVE DEFENDANTS BY EMAIL

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the Declarations of Dan Seymour and Kevin Lindsey filed in support, and the entire record herein, Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, McGraw Hill LLC, and Pearson Education, Inc. (collectively, "Plaintiffs") hereby move for an Order authorizing Plaintiffs to serve Defendants with the Complaint and Summons, and the other papers required to be served in this case, by electronic means. As set forth in Plaintiffs' Memorandum of Law, Defendants locations are unknown, and email is the best way to provide them with notice of this action. Plaintiffs' Motion should be granted pursuant to Federal Rule of Civil Procedure 4(f)(3), which is applicable to Defendants located abroad, or, if any Defendants are located in the United States, N.Y. Civil Practice Law and Rule § 308(5).

10/10/2023
After renewing the papers filed in support of the motion, and being convinced that counsel for plaintiffs have exhausted every avenue for learning the identity of the entities behind these email addresses, the motion for permission to serve by email is granted. All prior communications sent to the email listed in the caption have not "bounced back," the court is satisfied that the court is satisfied that the defendants cannot but only email service is reasonably calculated to give defendants notice of this case.

Dated: October 9, 2023

Respectfully submitted.

/s/ Kevin Lindsey

Kevin Lindsey (*pro hac vice*)

Matthew J. Oppenheim

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